



Report Reference Number: LS-C/20/1

To: Licensing Sub-Committee
Date: 15 March 2021
Ward(s) Affected: Selby
Author: Alison Hartley, Head of Licensing
Lead Executive Member: Councillor Pearson, Lead Member for Housing, Health and Culture

Title: Application for a review of the Premises Licence for the Bay Horse Hotel

Summary

The Licensing Authority has received an application for the review of a Premises Licence made by North Yorkshire Police in respect of the Bay Horse Hotel, 57 – 59 Micklegate, Selby, YO8 4EA, under Section 51 of the Licensing Act 2003. The Licensing Authority is now under a duty to review the Premises Licence held in respect of the Bay Horse Hotel.

Recommendation

The Committee to determine the application for the review of a premises licence made by North Yorkshire Police in respect of the Bay Horse Hotel.

In determining this application, the Committee must have regard to the representations and take such of the following steps as it considers necessary for the promotion of the licensing objectives. The steps are:

- (a) Take no further action
- (b) Modify the conditions of the licence
- (c) Exclude a licensable activity from the scope of the licence
- (d) Remove the Designated Premises Supervisor
- (e) Suspend the licence for a period not exceeding three months
- (f) Revoke the licence

Where the Committee takes a step mentioned in (b) or (c) above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

In making its decision, the Committee must act with a view to promoting the licensing objectives:

- The Preventions of Crime and Disorder
- The Prevention of Public Nuisance
- Public Safety

- Protection of Children from Harm.

The Committee must also have regards to its Statement of Licensing Policy and the Guidance issued under section 182 of the Licensing Act 2003, issued by the Secretary of State for Culture, Media and Sports.

1. Introduction and background

1.1. The Premises Licence and relevant information

1.1.1. The Premise Licence holder is Campey Estates Limited (since 11 January 2019).

1.1.2. The Designated Premise Supervisor is Jade Lauren Campey (since 10 July 2020).

1.1.3. The Premises currently trade under premise licence number: LN/000004820 which permits the following licensable activities:

Type of Activity	In or outdoors	Days of the week	Permitted hours
Playing or recorded music - indoors	Indoors	Monday – Sunday	07:00 – 04:00
Provision of Late - Night Refreshment – Indoors	Indoors	Monday – Sunday	23:00 – 04:00
Sale of retail alcohol – on the premises	On the premises	Monday – Sunday	07:00 – 04:00
Plays, Films – indoors	Indoors	Monday – Sunday	07:00 – 04:00
Indoor sporting events	Indoors	Monday – Sunday	07:00 – 04:00
Boxing and wrestling – indoors	Indoors	Monday – Sunday	07:00 – 04:00
Performance of dance - indoors	Indoors	Monday – Sunday	07:00 – 04:00
Any similar regulated entertainment - indoors	Indoors	Monday – Sunday	07:00 – 04:00

1.1.4. A copy of the current Premises Licence and Plan are attached at **Appendix A.**

1.1.5. A map detailing the location of the Bay Horse Hotel is attached at **Appendix B**.

1.2. **The Review Application**

1.2.1. This application for the review of a premises licence is made by PC Deborah Chadwick of North Yorkshire Police Licensing Department, York Police Station, Fulford Road, York, YO10 4BY. It has been submitted on the grounds of the Prevention of Crime and Disorder, Public Safety and the Prevention of Public Nuisance, following a number of breaches of the Coronavirus Regulations in effect at that time. The Police are seeking a revocation of the licence.

1.2.2. On 4 March 2021, North Yorkshire Police Licensing Department, notified the authority that Appendix 10 in the application for review of the premises licence will not be provided or referenced as part of their submissions.

1.2.3. The Application for the review of a premises licence submitted by PC Deborah Chadwick of North Yorkshire Police is attached at **Appendix C**.

2. **Relevant Representations**

2.1. Under the Licensing Act 2003 representations can be received from Responsible Authorities or Other Persons.

2.2. Representations have been received from two Responsible Authorities; the Licensing Authority and the Environmental Health Team, and Other Persons.

Responsible Authorities:

2.3. **Licensing Authority**

2.3.1. Sharon Cousins, Licensing Manager, has made a representation in support of the review application on behalf of the Licensing Authority on the grounds of the Prevention of Public Nuisance, Public Safety and Prevention of Crime and Disorder.

2.3.2. The Licensing Authority has concerns regarding the conduct and management of the premises which has led to breaches of the Coronavirus Regulations.

2.3.3. A copy of the Licensing Authority's representation in support of the review application is attached at **Appendix D**.

2.4. Environmental Health

2.4.1. Ben Hymers, Environmental Health Team Leader, has made a representation in support of the review application on behalf of the Environmental Health Team on the grounds of the Prevention of Public Nuisance, Public Safety and Prevention of Crime and Disorder.

2.4.2. A copy of the Environmental Health's representation in support of the review application is attached at **Appendix E**.

2.5. Other Parties:

2.5.1. The Licensing Authority has received 15 representations in support of the premises.

2.5.2. The Licensing Authority also received an anonymous representation against the premises, however, it was not accepted as a relevant representation due to not relating to at least one of the licensing objectives.

2.5.3. Copies of the representations in support of the premises are attached at **Appendix F**.

2.6. Premise Licence Holder

2.6.1. At the time of writing this report the premise licence holder has submitted 16 photographs to be provided to the Committee.

2.6.2. Copies of the photographs are attached at **Appendix G**.

3. **Procedural considerations**

3.1. Applicants for a review of a premises licence are required to give notice of the application to each responsible authority and to the holder of the premise licence. The Licensing Authority is then required to notify the public of the application by means of a notice exhibited on, at or near the premises, be available for inspection at the offices of the authority and by publication of the notice on the authority's website for a period of 28 days commencing the day after the application was received.

3.2. After the 28 day period, the Authority must provide prescribed information within the time limits specified in regulations.

3.3. All procedural aspects of this application have been complied with.

4. Policy Considerations and s182 Guidance

- 4.1. When the Committee are determining the application it must also have regards to its own Statement of Licensing Policy and the Guidance issued under section 182 of the Licensing Act 2003.
 - 4.2. The relevant paragraphs of the section 182 Guidance and the Statement of Licensing Policy are attached at **Appendix H and I** respectively.
5. A copy of The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020 is attached at **Appendix J**.

6. Implications

6.1. Legal Implications

- 6.1.1. The Licensing Act 2003 provides the right to appeal on any decision reached on review.
- 6.1.2. The right of appeal is to the Magistrates Court.

6.2. Financial Implications

N/A

6.3. Policy and Risk Implications

As set out in paragraph 4.1. above.

6.4. Corporate Plan Implications

N/A

6.5. Resource Implications

N/A

6.6. Other Implications

N/A

6.7. Equalities Impact Assessment

N/A

7. Conclusion

The Committee are asked to determine this application for the review of the premises licence made by North Yorkshire Police in respect of the Bay Horse Hotel.

8. Appendices

Appendix A - Premises Licence and Plan
Appendix B - Location Plan

- Appendix C - Application for a review of Premises Licence
- Appendix D - Licensing Authority Representation
- Appendix E - Environmental Health Representation
- Appendix F - Other Persons Representations
- Appendix G - Photographs from the Premise Licence Holder
- Appendix H - Relevant sections of the s182 guidance
- Appendix I - Relevant sections of the authority's Statement of Licensing Policy
- Appendix J - The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020

Contact Officer:

Alison Hartley

Head of Licensing

ahartley@selby.gov.uk